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Political fallout spreads from Iran-contra revelation

Lawmakers – Republican and Democrat – push for more control over foreign policy

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Ever since Congress took it upon itself to oversee United States intelligence activities more than a decade ago, lawmakers have argued among themselves whether that oversight needs to be reduced or intensified.

Events of the past week strengthened the hand of those who would increase congressional scrutiny of the government's clandestine intelligence activities.

Revelations that the Iranian affair included covert aid to the contras fighting Nicaragua's Sandinista government – apparently in direct violation of the law – stunned members of Congress. Many of them spoke of reevaluating the legal relationship between the executive and the legislative branches that requires the White House to keep Congress informed of covert affairs. Several said that the laws ought to be rewritten to eliminate key ambiguities.

A chorus of legislators now calls for expansion of congressional oversight beyond the activities of the traditional intelligence branches, such as the Central Intelligence Agency and the Federal Bureau of Investigation, to include the National Security Council, which ostensibly serves as an advisory body to the President.

"I don't think it's a 'good relationship.' I think [the Iran affair] is a severe blow to

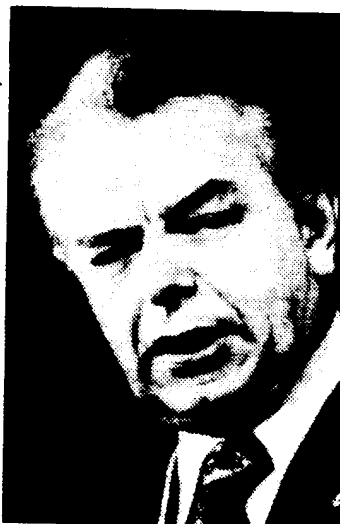
that relationship," said incoming Senate majority leader Robert C. Byrd (D) of West Virginia of the relationship between Congress and the White House on intelligence matters. "The law should be clearly made to provide that covert intelligence operations conducted outside the intelligence community should be covered by the oversight powers of Congress. That may not be clear enough at this point."

On Capitol Hill, debate over congressional oversight of intelligence matters takes on an almost personal tone. Knowledge is power in Washington, and lawmakers realize they can be virtually shut out of the decisionmaking process if the administration withholds information from them. In addition, members of the sitting President's party feel politically vulnerable if their president appears to condone untoward intelligence activities at home or abroad.

At the same time, lawmakers seem a bit offended by insinuations that the only way the Reagan administration can keep a secret is to keep the secret from Congress. "Leaks mostly come out of the executive branch," says Sen.

Claiborne Pell (D) of Rhode Island. Adds Sen. Dave Durenberger (R) of Minnesota, chairman of the Senate Intelligence Committee: "The problem is that the President has not put a high value on oversight."

Until the early 1970s, such concerns were rarely heard in the halls of Con-



FILE PHOTO/PAUL CONKLIN

Sen. Robert Byrd: Intelligence oversight law needs to be expanded.

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gress. Historically, White House officials needed to do little more than touch base with a few key lawmakers to get congressional assent for intelligence budgets and covert activities.

But with the Nixon administration came allegations of CIA-sponsored assassinations and domestic spying. Lawmakers believed the agency to be out of control and eventually handed responsibility for monitoring the nation's intelligence activities to two select committees on intelligence, one in the House and one in the Senate.

Congress also passed several laws requiring administration officials to disclose information about covert operations and other diplomatic and military actions overseas. Among the most crucial was a 1980 statute that required the president to notify the intelligence panels in advance of proposed intelligence operations. But under "extraordinary circumstances," the law said, a few key congressional leaders could be notified "in a timely fashion" so long as the President explained why advance notice was not given.

Despite the ambiguities of such laws, relations between the committees and the agencies they monitor have been generally smooth, with a few jolts along the way. The most recent one was in 1984 when, after an uproar over the CIA's failure to tell Congress about mining Nicaragua's harbors, CIA Director William J. Casey signed an agreement to tell the Senate Intelligence Committee in advance of all "significant" covert actions.

Now the question is whether the laws ought to be purged of some of the deliberate ambiguities intended to provide the President with some degree of flexibility. There is no need to make any revisions beyond the agreement Mr. Casey made with the President's approval two years ago," said Sen. Daniel P. Moynihan (D) of New York. "When you want to break agreements, if you want to break laws, the agreements and laws don't have much consequence."

Nevertheless, political steam seems to be building for a push to rewrite the law. "The word 'timely' will need revisiting, the question of what that means. Obviously there's a totally different interpretation of what 'timely' means between the Congress and the White House," said Sen. Sam Nunn (D) of Georgia, soon to be chairman of the Armed Forces Committee.

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